

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 BARRY LAMON,

No. CIV S-03-0423-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 LYTTLE, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. On July 24, 2008, the court issued orders and writs of habeas corpus ad  
19 testificandum (Docs. 228, 229, and 230) for plaintiff and six incarcerated witnesses to attend a  
20 trial in this matter scheduled for October 21, 2008, in Sacramento, California. At a trial  
21 confirmation hearing held on September 15, 2008, before the district judge, the parties consented  
22 to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c) and the trial date was vacated.  
23 (see minutes at Doc. 237). Therefore, the court will vacate the orders and writs of habeas corpus  
24 ad testificandum issued on July 24, 2008. New orders and writs will issue separately once a new  
25 trial date has been set.

26 ///

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The orders and writs of habeas corpus ad testificandum issued on July 24,  
3 2008 (Docs. 228, 229, and 230) are vacated; and

4 2. The Clerk of the Court is directed to serve a courtesy copy of this order  
5 and writ of habeas corpus ad testificandum on the California Department of Corrections and  
6 Rehabilitation Out-To-Court Desk, P.O. Box 290007, Represa, California 95671.

7  
8 DATED: September 23, 2008

9   
10 **CRAIG M. KELLISON**  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26